

## IN THE CLAIMS

1. (Currently Amended) ~~An A~~ microelectronic device, comprising:  
a semiconductor substrate; and  
a nitridized hydroxy-silicate layer.
2. (Original) The microelectronic device of Claim 1, wherein the nitridized hydroxy-silicate layer comprises a silicon oxynitride.
3. (Currently Amended) The microelectronic device of Claim 2 , wherein ~~the said~~ silicon oxynitride is a material in accordance with the expression  $\text{SiO}_x\text{N}_{(4-2x)/3}$  where  $0 \leq x \leq 2$ .
4. (Currently Amended) The microelectronic device of Claim 2 1, wherein ~~the said~~ ~~silicon oxynitride~~ nitridized hydroxy-silicate layer has a thickness less than approximately 7 angstroms.
5. (Currently Amended) The microelectronic device of Claim 2 1, wherein the semiconductor substrate comprises a silicon wafer.
6. (Currently Amended) The microelectronic device of Claim 4, further comprising a gate electrode disposed over ~~the silicon oxynitride~~ nitridized hydroxy-silicate layer.

### Claim Rejections 35 U.S.C. § 102 (e)

The Patent Examiner rejected Claim 1 under 35 U.S.C. 102 (e) as being anticipated by Gardner et al. It is the Examiner's position that Claim 1's element, "nitridized hydroxy-silicate layer", is identical to Gardner et al's disclosed silicon